

General Institution

AP 3515 REPORTING OF CRIMES**References:**

Education Code Sections 212, 67380, 67383 and 87014;
Penal Code Sections 245 and 422.55
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998;
20 United States Code Section 1232g;
34 Code of Federal Regulations Part 99.31(a) (13), (14) and 668.46;
Campus Security Act of 1990

Members of the Marin Community College District who are witnesses or victims of a crime should immediately report the crime to District Police.

In the event an employee is assaulted, attacked, or menaced by a student, the employee should notify the District Police and shall notify his/her supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted, or menaced shall assist the employee to promptly report the attack or assault to the District Police if the employee has not done so already. The supervisor himself/herself shall make the report if the employee is unable or unwilling to do so. Reporting a complaint to local law enforcement will not relieve the District of its obligation to investigate all complaints of harassment.

The District will instruct members of the District Police Department to notify students and employees complaining of sexual violence of their right to file a sex discrimination complaint with the District in addition to filing a criminal complaint, and to report incidents of sexual violence to Chief Human Resources Officer if the complainant consents.

The District shall publish warnings to the campus community about the following crimes:

- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;
- Domestic violence, dating violence and stalking
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Arrests for liquor law violations, drug law violations, and illegal weapons possession;
- Persons who were not arrested for liquor law violations, drug law violations, and illegal weapons possession, but who were referred for campus disciplinary action for same;
- Crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or

- disability and involve larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury;
- Those reported to the District Police; and
 - Those that are considered to represent a continuing threat to other students and employees.

In the event that a situation arises, either on or off campus, that, in the judgment of the District Police Chief, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the District notification system(s) to students, faculty, staff and the campus’ student newspaper. The information shall be disseminated by District Police in a manner that aids the prevention of similar crimes.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the District Police Chief may also post a notice on the campus-wide electronic bulletin board on the District’s web site at: www.marin.edu, providing the community with more immediate notification. The electronic bulletin board is immediately accessible via computer by all faculty, staff, and students. Anyone with information warranting a timely warning should report the circumstances to the District Police Department, by phone at 911 or in person at the District Police Department Headquarters at 835 College Avenue, Kentfield, CA.

The District shall not be required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. The Clery Act defines pastoral counselor as a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. The definition of a professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his/her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. This means that a dean of students who has a professional counselor’s license, but is employed by the institution only as a dean and not as a counselor, is not exempt from reporting.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures.

The District shall annually collect and distribute statistics concerning crimes on campus. All District staff with significant responsibility for student and campus activities shall report crimes about which they receive information.

The District shall publish an Annual Security Report every year by October 1 that contains statistics regarding crimes committed on campus and at affiliated locations for the previous three years. The Annual Security Report shall also include policies pertaining to campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims’ assistance program, student discipline, campus resources, and other matters. The District shall make the report available to all current students and employees.

The District will also provide perspective students and employees with a copy of the Annual Security Report upon request. A copy of the Annual Security Report can be obtained by contacting the District Police Department located at 835 College Avenue, Kentfield, CA 94904 or at the website address published in the College Schedule and College Catalog.

To Report a Crime:

Contact the District Police Department at 415-485-9696 (non-emergencies) and dial 911 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the District Police Department. In addition, individuals may report a crime to the following areas:

- Chief Student Services Officer
415-485-9618
- Chief Counseling Officer
415-485-9431
- Chief Student Health Officer
415-485-9462
- Chief Human Resources Officer
415-485-9504

If the individual is the victim of a crime and does not want to pursue action within the District's System or the criminal justice system, the individual may still want to consider making a confidential report. With the individual's permission, the District Police Department can file a report on the details of the incident without revealing his/her identity. The purpose of a confidential report is to comply with the individual's wish to keep the matter confidential, while taking steps to ensure the future safety of himself/herself and others. With such information, the District can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

The District Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the District Police Department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified below. Confidential reports of crime may also be made to Chief Human Resources Officer at 415-485-9504.

The District may disclose the final results of disciplinary proceeding to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, regardless of the outcome. The District may also disclose to anyone, the final results of a disciplinary proceeding in which it concludes that a student violated District policy with respect to a crime of violence or non-forcible sex offense. The offenses that apply to this permissible disclosure are:

- Arson
- Assault offenses
- Burglary
- Criminal homicide – manslaughter by negligence
- Criminal homicide – murder and non-negligent manslaughter
- Destruction, damage, or vandalism of property

- Kidnapping or abduction
- Robbery
- Forcible sex offenses

Required Reports to Local Law Enforcement Agency

Any report of willful homicide, forcible rape, robbery, aggravated assault, or hate crime, committed on or off campus, that is received by a campus security authority and made by the victim for the purposes of notifying the institution or law enforcement, must be immediately, or as soon as practically possible, disclosed to the local law enforcement agency. The report shall not identify the victim, unless the victim consents to be identified after the victim has been informed or his/her right to have his/her personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency.

Office of Primary Responsibility: College Operations

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